

(2021) 10 NCLT CK 0005

In the National Company Law Tribunal

Case No : IA No. 1672 of 2021 In C.P. No. 934/IBC/MB/202

Mr. Amit Sangal Proprietor of M/s. Nitin Plastic

APPELLANT

Vs

M/s. Prince MFG Industries Private Limited

RESPONDENT

Date of Decision : 05-10-2021

Acts Referred:

Insolvency and Bankruptcy Code, 2016 — Section 60 (5)
National Company Law Tribunal Rules, 2016 — Rule 11

Citation : (2021) 10 NCLT CK 0005

Hon'ble Judges : Ashok Kumar Borah, Member (J); Shyam Babu Gautam, Member (T)

Bench : Division Bench

Final Decision : Allowed/Disposed Of

Judgement

Shyam Babu Gautam, Member Technical

1. The present Application has been filed by the Operational Creditor seeking modification/correction/alteration in the Order dated 05.07.2021 passed by this Bench which reads as under :-

" The matter is taken up through Virtual Hearing (VC). Mr. Anuj Kumar Solanki, Counsel appeared for the Operational Creditor. Mr. Dinesh Kumar Dubey, Counsel for the Corporate Debtor. At the request of both the parties list the matter on 04.08.2021."

2. The Operational Creditor submits that the Counsel for the Operational Creditor opposed the adjournment on 05.07.2021 which was sought by the Counsel for the Corporate Debtor and also shared on screen VC the previous Order dated 28.06.2021 which said as to "List the matter for making compliance of payment or for Orders." But the Order dated 05.07.2021 mentions that at the request of both the parties list the matter on 04.08.2021.

3. The Counsel for the Operational Creditor submits that the Operational Creditor did not ask for the adjournment.

4. Hence the Order dated 05.07.2021 is to be read as "At the request of the Counsel for the Corporate Debtor, List the matter on 04.08.2021.

5. Hence the Order dated 05.07.2021 is to be read as follows :-

" The matter is taken up through Virtual Hearing (VC). Mr. Anuj Kumar Solanki, Counsel appeared for the Operational Creditor. Mr. Dinesh Kumar Dubey, Counsel for the Corporate Debtor. At the request of the Corporate Debtor list the matter on 04.08.2021."

6. Hence, IA 1672 of 2021 in CP No. 934 of 2020 is allowed and disposed of.

7. Ordered Accordingly.